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16 Attorneys for Respondent

17  
18 IN THE UNITED STATES DISTRICT COURT  
19  
20 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
21  
22 SAN JOSE DIVISION

23  
24 **JASON LEE BACHMEIER,**

25  
26 Petitioner,

27 v.

28 **D. ADAMS, Warden,**

29 Respondent.

30  
31 C 07-2924 JF (PR)

32  
33 **DECLARATION OF JULIET  
34 HALEY IN SUPPORT OF  
35 APPLICATION FOR  
36 ENLARGEMENT OF TIME**

37  
38 I am the California Deputy Attorney General assigned to handle the above-captioned case.  
39 Respondent's Answer is presently due January 18, 2008. I have not previously requested any  
40 enlargements of time in this case.

41  
42 I request an additional 60 days to file a responsive pleading for the following reasons:  
43 According to the petition, petitioner entered a plea of nolo contendere and was sentenced to seven  
44 years and four months in state prison. He did not appeal. No appellate record was therefore  
45 prepared. In this petition he contends that the trial court erred in imposing a fine without first  
46 addressing his ability to pay, and that counsel was ineffective in failing to request an express

1 determination of petitioner's ability to pay the fine. Order to Show Cause at 2. Respondent cannot  
 2 respond to either claim without a record of these proceedings. Respondent also cannot determine  
 3 if the present federal habeas petition is timely and/or if there are not state procedural bars available  
 4 to assert without copies of petitioner's habeas petitions filed in the Sonoma County Superior Court,  
 5 California Court of Appeals, and California Supreme Court.

6 Since I was assigned this case on December 2, 2007, I have requested our paralegal  
 7 contact the Sonoma County Superior Court and request that the record be prepared. To date, I have  
 8 not yet received any state records. In my experience, attempting to create a record for the first time,  
 9 long after the time to appeal has passed, can take several weeks. Additional time is therefore  
 10 needed to obtain the state record.

11 In addition, prior to working on this case, I must complete and file a federal habeas answer  
 12 previously assigned to me: *Hightower v. Felker* C07-1338RMW(PR). In addition, I have two  
 13 Appellee's Brief's due in the Ninth Circuit in the next 60 days: *Carr v. Kramer*, 07-15608 and  
 14 *Deweaver v. Runnels* 06-16865. Last, I must appear for argument in the Ninth Circuit on January  
 15 17, 2008 in *Green v. Lamarque* 06-16254.

16 For the above-state reasons, I respectfully request that the Court grant Respondent sixty  
 17 days (60), to and including March 18, 2008, in which to file an Answer or other responsive pleading.

18 I declare under penalty of perjury that the foregoing is true and correct.

19 Executed this 15th of January 2008, in San Francisco.

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21 /s/ Juliet B. Haley

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23 JULIET B. HALEY  
 Deputy Attorney General  
 Attorney for Respondent

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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Jason Lee Bachmeier v. D. Adams, Warden**

No.: **C 07-2924 JF (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On January 15, 2008, I served the attached

**APPLICATION FOR ENLARGEMENT OF TIME;**

**DECLARATION OF JULIET HALEY IN SUPPORT OF APPLICATION FOR ENLARGEMENT OF TIME;**

**[PROPOSED] ORDER**

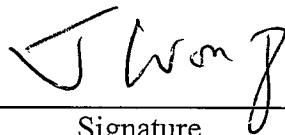
by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Jason Lee Bachmeier  
K-52314  
California State Prison, Corcoran  
P.O. Box 3481  
Corcoran, CA 93212

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 15, 2008, at San Francisco, California.

J. Wong

Declarant



Signature